

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**TRACY L. SMITH and  
DAVID S. SMITH**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:05CV782LN**

**CATOSOUTH, LLC; DEBBIE  
DELATTE and THE KROGER CO.**

**DEFENDANTS**

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**ORDER**

This matter came before the court on the Motion for Authority for Plaintiffs' Counsel to File Conventionally, by which he seeks permission to submit a Motion to Remand in this matter in paper form. In support of his Motion, Plaintiff's attorney states that he does not expect to have a "significant practice in federal court," and that "neither he nor his office staff, a secretary, have sufficient skills at this time to adequately follow electronic case filing procedures." The court doubts that either this attorney or his secretary are substantially less skilled than the hundreds of others who have registered for and successfully mastered the skills necessary for electronic filing of pleadings. Moreover, it is not clear at what point an attorney's practice would be "significant" enough to mandate that he master those skills. However, the court is of the opinion that the goals of electronically filing will not be thwarted by permitting this attorney on one occasion to file a motion to remand in paper form. If the Motion is denied, however, the court expects that the attorney will take the necessary steps to become registered for and knowledgeable in electronic filing procedures.

IT IS, THEREFORE, ORDERED, that the Motion for Authority for Plaintiffs' Counsel to File Conventionally is hereby **granted** to the extent that he may file his Motion to Remand in paper form.

IT IS SO ORDERED, this the 6<sup>th</sup> day of January, 2006.

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S/Alfred G. Nicols, Jr.  
UNITED STATES MAGISTRATE JUDGE